

**Minutes  
Bar Harbor Planning Board  
July 16, 2008**

*Members present: Kay Stevens-Rosa, Chair; Kevin Cochary, Vice-Chair; Lynne Williams, Secretary; Dave Bowden*

*Also present: Anne Krieg, Planning Director; Kris Hultgren, Staff Planner; Amanda Meader, Town Attorney*

**I. CALL TO ORDER — 6:04 p.m.**

**II. ELECTION OF OFFICERS**

*Mr. Bowden nominated Ms. Stevens-Rosa for Chair, Mr. Cochary seconded and the Board voted unanimously to approve the nomination.*

*Mr. Bowden nominated Mr. Cochary for Vice-Chair. Ms. Williams seconded and the Board voted unanimously to approve the nomination.*

*Mr. Bowden nominated Ms. Williams for Secretary, Mr. Cochary seconded and the Board voted unanimously to approve the nomination.*

**III. EXCUSED ABSENCES**

There were no excused absences.

**IV. ADOPTION OF THE AGENDA**

*Mr. Cochary made a motion to approve the agenda. Ms. Williams seconded and the Board voted unanimously to approve the motion.*

**V. APPROVAL OF MINUTES**

June 4, June 11 and June 18 meetings.

*Mr. Bowden made a motion to approve the June 4, June 11 and June 18 minutes. Ms. Williams seconded and the Board voted unanimously to approve the motion.*

**VI. REGULAR BUSINESS**

**A. Public Hearing – SD-07-06 – Owl’s Nest Subdivision**

**Project Location:** Stony Brook Way, Bar Harbor Tax Map 208, Lot 96

**Applicant:** Owl’s Nest, LLC

**Application:** Proposes an 10 lot residential subdivision

Mr. Salsbury gave an overview of the changes to the plan. He noted the removal of the common lot area on Lot 1 and the change of the location of the road.

Ms. Stevens-Rosa welcomed Steve Bradstreet from Oak Engineers who conducted peer review of the stormwater for the project. Mr. Bradstreet reviewed his report and noted some additional comments.

Tim Brochu, an engineer for the applicant, mentioned that he would review the comments of Mr. Bradstreet and make any necessary changes to the stormwater report.

Ms. Krieg asked the applicant where in the process they were for getting the road accepted by the town. Mike Ross, attorney for the applicant, said his client is moving forward with the road acceptance procedure but they are waiting to determine the final location of the road.

The Board began discussing the need for a second egress for the development.

Ms. Stevens-Rosa asked about the likelihood of development on the land behind the subject parcel. Ms. Krieg responded that there is a large piece of land behind the subject property that could be developed in the future.

The Board discussed how the original lots were created. Mr. Ross described why he does not think the lot was part of the original subdivision. Mr. Bowden noted that references in the application to Phase II of the Pine Ridge subdivision suggest that the applicant intended to develop the subject when going through the approval of the original subdivision. Mr. Cochary agreed with Mr. Bowden and noted that the applicant could build out the two oversized lots and create more than 30 lots that all use one public road.

Mr. Ross and the Board continued to discuss whether the subdivision is required to have a second means of egress. Mr. Ross noted that the applicant may formally request a modification of standard.

The Planning Board began discussing the requirement that utilities be underground. Mr. Bowden noted that under ground utilities drive up the cost of the land. Ms. Stevens-Rosa noted that she believes most developers will attempt to get market value for the homes regardless of the cost of utilities. Mr. Bowden mentioned that he would like to see a cost comparison before he decided whether to require the underground utilities. Other Board members concurred.

Noel Musson, representing the applicant, described the reasons for overhead vs. underground utilities. Mr. Musson noted that the applicant looks mostly at site characteristics to make the determination.

Dana Reed, an abutting landowner, talked about the cross section of the road and noted what he believes is an inaccuracy with the plan. Mr. Broche said he would double check the cross section calculations.

Rob Levin, a citizen of Bar Harbor, asked if the town has taken an official position on whether this subdivision application is part of the Pine Ridge subdivision. Ms. Stevens-Rosa noted that the Board is still working on their opinion.

***Mr. Cochary made a motion to continue the public hearing to the August 6 meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

#### **B. Public Hearing – SD-08-03 – Blagden Highlands**

**Project Location:** Indian Point Road, Bar Harbor Tax Map 241, Lots 8 & 9

**Applicant:** Timothy H. Gott

**Application:** Proposes and 11 lot residential subdivision

Steve Salsbury, representing the applicant, gave an overview of the project.

Ms. Krieg asked the applicant to clarify why the dimensions of the “M. Gott” lot noted on the subdivision plan do not match the deed. Mr. Salsbury assured the Board that he would double check his work and make any necessary changes.

Ms. Krieg noted that by conveying land from the M. Gott lot it would be increasing the non-conformity of the lot. Mr. Ross concurred with Ms. Krieg and assured the Board that there would be no net decrease in land from the M. Gott lot. Mr. Ross agreed to submit an updated deed with the new dimensions.

Mr. Krieg noted 125-69 (B)(9) in the Shoreland Zoning Standards does not allow a septic system within 100 feet of a perennial water body. Noel Musson, representing the applicant, noted that a forested wetland is not a perennial waterbody according to the Department of Environmental Protection.

The Board discussed whether a forested wetland is a perennial water body and concurred with the applicant that the standard in 125-69 (B)(9) does not apply in this case because a forested wetland is not a perennial water body.

The Board discussed the installation of overhead utilities. Mr. Cochary noted the standard in 125-67 (DD) uses the word “shall” and the Board should require underground utilities unless there are reasons not to do so. Ms. Stevens-Rosa concurred. Mr. Bowden reiterated his belief that requiring overhead utilities could drive up the cost of the development and contribute to unaffordable housing.

Ms. Stevens-Rosa opened the public hearing. No one from the public spoke.

***Mr. Cochary made a motion to continue the public hearing to the August 6 meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

### **VII. OTHER BUSINESS**

#### **A. Northeast Creek Letter**

Mr. Ross described a letter he submitted to the Planning Board asking the Board for relief from the requirement that housing lots have all monuments installed to delineate lot boundaries. He described on going construction as the reason.

The Board discussed the letter.

***Mr. Cochary made a motion to grant an administrative deferral to postpone for six months the installation of survey pins. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

**B. Request for Affordable Housing and Wireless Communications Committees**

The Board discussed the creation of an Affordable Housing Task Force. All members agreed that a task force would help identify opportunities for increasing the affordable housing stock in Bar Harbor.

***Ms. Williams made a motion to ask the Council to create an Affordable Housing Task Force. Mr. Bowden seconded and the Board voted unanimously to approve the motion.***

**C. Phillips/Gray Subdivision Endorsement**

The Board endorsed the project.

**VIII. PLANNING DIRECTOR'S REPORT**

Ms. Krieg described the Conservation Commission's efforts to get Town Council approval to form an Energy Task Force.

Ms. Krieg updated The Board on the status of the Lighting Ordinance.

**IX. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

**X. ADJOURNMENT – 8:25**

*Signed as approved:*

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Lynne Williams, Secretary  
Planning Board, Town of Bar Harbor

Date